

**Barquest v Farmers Administrator
PO Box 1948
Faribault, MN 55021-6091**

**Supplemental Notice
Barquest v. Farmers**

This notice is intended to provide you with additional information about this case and protection of your medical records.

Why are you getting this notice? The *Barquest v. Farmers* case is filed as a class action lawsuit. You may or may not be a potential member of any class that is certified, and you may or may not be entitled to compensation if it is certified. The parties are currently performing discovery (investigation) prior to the certification process. Once discovery is complete, the plaintiff anticipates moving to have a class certified. Farmers anticipates it will oppose the class certification motion. The Court will rule on whether this case should proceed as a class action. If the case is certified as a class action and you are determined to be part of the class you will receive an additional notice describing your options at that time. Because the case has not yet been certified as a class action, you cannot “opt out” of the case at this time.

Why do Ms. Barquest’s attorneys want to see your PIP (insurance) claims file, including any medical records? In her lawsuit, Ms. Barquest alleges that Farmers Insurance Company improperly suspended her Personal Injury Protection (PIP) coverage during the course of its claims investigation. The suspension occurred when Farmers asked Ms. Barquest to attend an independent medical examination (IME) to determine whether she was entitled to any further medical treatment under her policy. Ms. Barquest alleges that Farmers suspended her coverage while she awaited the IME; that is, Farmers stopped paying her medical bills, and told her providers it would not pay any bills until the IME occurred. Ms. Barquest alleges she was forced to discontinue treatment as a consequence. Ms. Barquest alleges that this is improper because it results in an improper retroactive denial of her coverage before Farmers has completed its investigation. Ms. Barquest also alleges that Farmers retroactively denied payment of medical bills for other insureds. Farmers strongly denies that it did anything improper regarding Ms. Barquest or any other PIP insured and denies that Ms. Barquest or any other PIP insured suffered any damages or is entitled to any recovery. Ms. Barquest is attempting to learn how many other Farmers’ insureds were affected by this practice, if any. She requested copies of the PIP claim files of insureds who had undergone an IME. The plaintiff’s lawyers are looking for evidence of the conduct described above. Farmers objected to this disclosure. A King County Superior Court Judge ordered Farmers to produce these files.

Will your medical records be made public? NO. The judge ordered Farmers to produce these files but entered protective orders that strictly limit who can see the PIP files, and prohibits them from being publicly released. A copy of this order can be viewed at the Court’s web site, www.kingcounty.gov/courts/SuperiorCourt.aspx. The Court will also enact further orders to insure that none of the PIP claim materials, including any medical records, can be filed in the court proceedings without first removing all personal identifying information. Any PIP claim materials, including medical records, that are filed in the court file must also be filed under seal and will not be available to the public. At the conclusion of the litigation, all copies of confidential PIP claim files produced to Mrs. Barquest’s attorneys will be destroyed. The Court has ruled that anyone who violates her order will be punished if they violate the terms of this strict, HIPAA compliant protection order. The Court also ordered that you should receive this supplemental notice so that you may object to the production of your PIP claim file and /or seek further protections.

What do you need to do? If you do **not** object to production of these files under these circumstances, you do not need to do anything. If you object to release of your records, you have three choices:

- 1) Fill out the form on the back of this page, sign it, and return it to the Administrator at the address on this notice. So long as your objection is RECEIVED by October 13, 2008 your file will not be released at this time. If the attorneys believe they still need to see your records, you will be sent an additional notice and provided an opportunity to participate in a hearing.
- 2) File a motion for a protective order as described in the first notice.
- 3) Appear at the October 3, 2008 hearing in the courtroom of the Honorable Kimberley Prochnau, Regional Justice Center, 401 4th Ave. North, Courtroom 4H, Kent, Washington 98032-4429 as described in the first notice.

Any of the above actions will prevent your file from being produced at this time.

DO NOT CONTACT THE COURT OR THE ATTORNEYS. YOU MAY CONTACT THE ADMINISTRATOR AT 1-866-722-3536